

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 3:15-cr-64
)	
v.)	
)	
GERALD W. LEDFORD,)	GOVERNMENT'S
)	SENTENCING MEMORANDUM
Defendant.)	

COMES NOW the United States of America, by and through Assistant United States Attorney Richard D. Westphal, and hereby submits the following memorandum for sentencing in this matter:

I. BACKGROUND

On June 9, 2015, in the District of Massachusetts, Gerald W. Ledford, was charged in the one count indictment with Transmitting Threatening Communication in Interstate or Foreign Commerce, in violation of Title 18, United States Code, § 875(c). (District Court Docket, hereinafter “DCD,” 29, Presentence Report, hereinafter “PSR,” ¶ 1.) Pursuant to Rule 20 transfer, on August 6, 2015, Ledford pled guilty to this offense. (PSR ¶¶ 2-3.) There are no factual disputes that need to be resolved at the time of sentencing. There are no disputed issues related to facts or the calculation of the advisory guideline range. The advisory guideline range is a Total Offense Level 13/Criminal History I (Zone C) = 12-18 months imprisonment. The parties have agreed to recommend a downward variance and that the defendant be sentenced to four years’ probation, with the first six months to be served in home confinement.

At this time, the government is not aware of any victim impact statements from the victims of this offense. The government will forward any information received from the victims to the Court.

III. GOVERNMENT'S RECOMMENDATION

As an additional condition of probation, the government recommends that the district court consider imposing an appropriate number of hours of community service to be completed after the period of home confinement.

Additionally, the government recommends that the district court impose an additional condition of probation to include:

The Defendant shall not possess or use a computer or any other device with an internal, external or wireless modem, without the prior approval of the U.S. Probation Officer. If the computer use is approved, the defendant shall submit to unannounced examinations of this computer equipment, the installation of monitoring hardware and software, and the possible removal of such equipment for a more thorough inspection. If the computer use for employment purposes is approved by the U.S. Probation Officer, the defendant shall permit third party disclosure to any employer or potential employer concerning computer related restrictions that are imposed upon the defendant.

The government will recommend a sentence in accordance with the Plea Agreement, including a recommendation of (4) four years' probation, with the first six months of this term to be home confinement. This sentence is reasonable after taking into account the factors outlined under 18 U.S.C. § 3553(a), including the history and characteristics of this defendant, his significant criminal history, the nature of this offense, the need for deterrence, the need for the sentence to reflect the seriousness of this offense, the need to protect the public, the need to avoid unwarranted sentencing disparity and provide a sentence that is sufficient, but not greater than necessary.

WHEREFORE, the government prays that the district court consider this sentencing memorandum in determining the final sentence of the defendant.

Respectfully Submitted,

Kevin E. VanderSchel
Acting United States Attorney

By: /s/**Richard D. Westphal**
Richard D. Westphal
Assistant United States Attorney
U.S. Courthouse, Suite 310
131 East Fourth Street
Davenport, Iowa 52801
Tel: (563) 449-5432
Fax: (563) 449-5433
Email: rich.westphal@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2015, I electronically filed the foregoing with the Clerk of Court using the CM ECF system. I hereby certify that a copy of this document was served on the parties or attorneys of record by:

☐ U.S. Mail ☐ Fax ☐ Hand Delivery

☒ ECF/Electronic filing ☐ Other means

UNITED STATES ATTORNEY

By: /s/ **Richard D. Westphal**
Richard D. Westphal
United States Attorney's Office